

DOLE WILL NOT FIGHT

Campbell Guardian Not to Take Part in Appeal.

E. P. Dole yesterday filed in the Supreme Court a statement of his refusal to participate in the argument on the appeal from Judge Gear's decision, appointing him as guardian of the Campbell minors. Mr. Dole also says that he will decline the trust, if his appointment is objectionable to the mother of the children, and gives as his reasons for his refusal to present a brief, the impropriety of a man arguing in behalf of his own appointment to a position of trust. Mr. Dole's statement is as follows:

To the Honorable Justices of said Court:

I have not qualified as guardian in the above entitled matter for the reason that I at once understood that an appeal would be taken, and I did not wish to prematurely subject the estate to certain small expenses incident to qualification.

And for the further reason that, shortly after my appointment, it became probable that I would have to go East in behalf of a private business interest.

It has become necessary for me to take this business trip very soon, and I expect to be gone some two or three months.

Upon my return, if the decision of the Circuit Judge is sustained, I will assume the duties of the guardianship, provided there are no objections personal to me, as I understand there are none.

On the other hand, I shall decline the trust if my appointment is objectionable to the mother of the children for any reason personal to me.

I doubt the propriety of my submitting an argument or a brief in behalf of my own appointment to a position of trust. I regard it as a position not to be struggled for, but one that should seek the man, rather than the man seek it.

I therefore respectfully ask the indulgence of the court in declining to argue the question of law involved, either by brief or otherwise.

Respectfully submitted,
E. P. DOLE.

November 21, 1903.

WOULD HAVE SAVED LEGISLATIVE CROOKS

We are more than surprised that Clerk Meheula should have been such an easy prey to the demands of the Federal grand jury, without making some show of fight by questioning its jurisdiction. But it is just like the rest of his kind, weak-kneed; and further, he went and acted contrary to the stand taken by him these many months, and we believe he'd done the same thing even if he had been thereto advised, for it is just like them. Had we been in his place, we'd have made a run for those vouchers. And there's another point, he should have demanded a receipt for them, and if not, their examination and investigation should have been made in his presence, because most of the jurors are unfriendly to them politically and otherwise, they being of the faction eager to discredit everything Hawaiian. But the Advertiser-Star lot gloats over the fact of the success they made in resurrecting those vouchers after they had made sure of their destruction.—Independent.

SHRINERS WILL WALK HOT SANDS

Aloha Temple, Mystic Shriners is preparing for a hot time on December 19th. Illustrious Potentate B. Griggs Holt has charge of the program for the ceremonies on that date, at which will be initiated into the mysteries of the order, twelve or fifteen candidates from the other islands. The ceremony will take place in Masonic Temple.

The illustrious Potentate is making his preparations by means of "The Shriner's Rope Cable Co. Unlimited", which professes to have "rope service to all sons of the desert." Recipients of the messages are requested to "pay no charges to messenger unless you have this delivered by your Uncle Sam."

The cable blank is printed in the usual form and the conditions printed on the back of it are as follows: "This company transmits all messages free to those who carry in their pockets a 20¢ frank. If you do not have one, see the Secretary, and he will tell you how to get one."

Mokawoo Activity.
W. R. Castle, who has just returned from Hawaii, says that the increased activity in the crater of Mokawoo is noticeable all along the Kona coast. On Thursday a heavy column of smoke shot up, and on Friday night the illumination was unusually bright.

"And so Flanders is a candidate for congress! Has he any knowledge of political economy?"
"Sure. His campaign has cost him only 80 cents so far."

MAGISTRATES HOLD OVER

The County Act Does Not Affect Them.

District magistrates now serving will continue to hold office even after the County Act goes into effect. The new law provides that the Board of Supervisors shall have power to appoint the district judges, but there is a special provision which exempts the present office holders from the effect of the act until their tenure of office shall have expired.

Both of the Honolulu judges, Lindsay and Dickey, have nearly a full two years still to serve. Quite a number of the commissions will expire next year, and the offices will then be filled by the Board of Supervisors, but quite a few continue over until after the expiration of the terms of the recently elected supervisors.

The County Act provides for the appointment of magistrates and various other minor officers. Section 43 says: "The officers of each district are: One or more District Magistrates, one or more Deputy Sheriffs, Road Supervisors, and such subordinate officers as shall be provided by law. The provisions of this section shall not affect the tenure of office of the present District Magistrates."

The following are the present district magistrates in the Territory and the dates when their respective commissions expire:

ISLAND OF HAWAII

- R. H. Atkins, North Kohala, expires August 31, 1904.
- Thomas Aiu, North Kona, expires April 30, 1905.
- Geo. Clark, North Kona, expires April 30, 1905.
- G. W. A. Hapel, South Hilo, expires April 31, 1904.
- Wm. Hookuanui, South Kohala, expires April 30, 1905.
- Henry Hall, Hamakua, expires September 9, 1904.
- J. Walohinu, Hamakua, expires April 30, 1905.
- Wm. Hamaui, Puna, expires August 31, 1904.
- S. W. Kaal, South Kona, expires August 31, 1904.
- H. S. Rickard, North Hilo, expires September 1, 1904.
- W. P. McDougall, North Kohala, expires November 28, 1904.
- Thos. C. Ridgway, South Hilo, expires August 3, 1905.
- J. H. Walgallani, East and West Kau, expires August 31, 1904.

ISLAND OF MAUI

- Chas. Copp, Makawao, expires August 31, 1904.
- John H. Hanuna, Hana, expires July 14, 1904.
- D. Kahaula, Lahaina, expires August 31, 1904.
- G. K. Kunukau, Hoanua, expires May 1, 1905.
- J. K. Pilmann, Kipahulu, expires August 31, 1904.
- W. A. McKay, Wailuku, expires December 31, 1904.

ISLAND OF MOLOKAI

- J. H. Mahoe, Molokai, expires July 30, 1904.

ISLAND OF LANAI

- S. Kahoolalahala, Lanai, expires August 31, 1904.

ISLAND OF OAHU

- E. P. Aikua, Koolauloko, expires August 31, 1904.
- L. R. Naimoa, Koolauloko, expires April 12, 1905.
- L. A. Dickey, Honolulu, expires August 17, 1905.
- Alex. Lindsay, Honolulu, expires August 17, 1905.
- Samuel Hookano, Ewa, expires August 31, 1904.
- Alfred Kail, Waiaina, expires July 23, 1904.
- S. Kekahuna, Waiaina, expires August 31, 1904.

ISLAND OF KAUAI

- J. K. Burkett, Koloa, expires April 30, 1905.
- David K. Kapahee, Koloa, expires December 15, 1903.
- J. Kakaia, Hanalei, expires April 30, 1905.
- H. K. Kahale, Lihue, expires April 31, 1904.
- Samuel Kanewanui, Kawaihau, expires March 15, 1904.
- G. L. Kopa, Waima, expires August 13, 1904.

ISLAND OF NIHAU

- E. Kahale, Nihaui, expires August 18, 1904.

ELBA DEPARTS ON WEDNESDAY

The Italian warship has been coalled, provisioned and renovated, and is in readiness to steam for Yokohama. The warship is scheduled to depart for Japan on Wednesday morning between 9 and 10 o'clock, probably at 9:30. As she carries only a limited amount of coal the vessel will not steam over ten knots per hour.

Owing to the cable news of the coming of the American squadron to this port, in readiness to proceed to Panama, it is possible that orders may be received by the Elba asking her to remain here, so that if an Italian warship is needed on the Pacific side of Panama, the Elba may remain for some time.

Kapoloani Park has been improved very much lately by the addition of a number of new settees.

HAWAIIAN PRESS AT ST. LOUIS

Honolulu, November 20, 1903.
Editor Advertiser: As commissioner to the St. Louis Exposition I have been requested by President Francis of that organization to extend an invitation to the Hawaiian Press Association, to meet in St. Louis during the week beginning May 10th, 1904. It is planned to have this week known as the "World's Press Parliament Week," and I am informed also that the National Editorial Association and several other State and Territorial Press Associations have agreed to meet in St. Louis at that time.

As there is no local organization before which this could be brought, I am addressing this letter to the representative newspaper men here, with a request that they meet with me either in person or by some delegated member of the staff, at the rooms of the Merchants' Association, on the afternoon of Thursday, December 3rd, at 4 o'clock.

I believe this an excellent opportunity to put the name of "Hawaii" before the people of the United States through the medium of the greatest newspapers, and would urge therefore that you join with us in an effort to secure this continued free advertising.

Very truly yours,
F. W. MAGFARLANE,
Commissioner St. Louis Exposition.

II ESTATE CASE FINALLY DECIDED

A unanimous opinion of the Supreme Court, written by Chief Justice Frear, was filed yesterday in the equity suit of George H. Brown and Francis Hyde Brown, minors, by their next friend, Albert F. Judd, vs. Charles A. Brown, John A. Magoon and Irene H. Holloway. Judge Gear's decision sustaining the demurrer and dismissing the bill is affirmed, and the case remanded to him. A. S. Hartwell appeared for plaintiff; Hatch & Stillman and T. L. Dillon for Brown and Magoon; Robertson & Wilder for Mrs. Holloway.

The bill was to declare a trust and for other relief. C. A. Brown and Irene H. Holloway, who were formerly husband and wife and are the parents of the plaintiffs, conveyed certain lands claimed to have come to the wife under her father's will to a trustee to convey the same to a corporation to be formed (John H. Estate, Ltd.). The corporation was formed and the property conveyed to it. One-third of its capital stock is held by Mrs. Holloway in the name of A. W. Carter, one-third by Carter as trustee for the plaintiffs and the remaining third by Brown except as to one share, held for him by Magoon. A decision of the Supreme Court, before the conveyances were made, held that Irene owned the property in fee, against a contention that she had only a life estate therein.

The petitioners held that the Supreme Court decision was void for want of jurisdiction, it being contended that the sitting of two substitute Justices on the case was unconstitutional. They prayed that the defendants be required to assign the stock held by them to a trustee in trust to pay the income of 500 shares thereof to said Irene for life and of another 500 shares to the said Brown for the life of the said Irene, and at her death to assign all of the said shares to the plaintiffs absolutely. Defendants demurred to both the original and an amended bill, both of which the Circuit Judge sustained and from his ruling plaintiffs appealed. The Supreme Court decides against the appeal on all points.

HILO TRIBUNE SEES A LIGHT

The free hand, open and positive utterances of Geo. R. Carter published in the Honolulu papers have the true ring. It is an innovation in Hawaii for a high public official to talk straight, unequivocally and earnestly—for publication. Geo. R. Carter is sounding the note of a new era and if we mistake not has divined with excellent instincts the way into public confidence, the way to a solid pedestal as governor, from which nothing but inconceivable mistakes can remove him. Mr. Carter is winning the confidence of the public by taking the public unreservedly into his confidence. It is the frank American spirit which wins in America only as it wins anywhere, when men in position are strong enough and bold enough to rely upon the common sense of the people. These methods clear the atmosphere of doubt, suspicion, stealth and vacillation and promote understanding and public confidence. When mistakes are made under such a general policy of frankness and directness, the public is usually generous.

When Geo. R. Carter becomes well settled in the office of Governor the people of Hilo would like the opportunity of giving him the glad hand. During four years, Governor Dole came once to this town and traveled there inco. He has never been in official touch with Hilo. He paid social visits in outer districts but this whole town and knows him more as a venerable citizen than as an official militant.

It will be different with the virile and active present incumbent. Hilo is ready to be good regardless of factional or even party lines, and will contribute all she can to the task of injecting a Twentieth Century spirit into the administration of Hawaiian affairs.—Hilo Tribune.

Court Notes

A general denial has been filed by defendants in the suit of Castle & Lansdale against the executors of the estate of E. C. Allen.
Halekaha Hart appeals from judgment of \$700 against her by District Magistrate Dickey at the suit of H. M. von Holt, executor of the will of Frank Brown.

CORNWELL FUNERAL

Services at the Central Union Church.

With Masonic and church rites the remains of the late Col. W. H. Cornwell were laid to rest in the family plot in Nuanu cemetery yesterday afternoon. The services, both in the Masonic Temple and at Central Union church, were largely attended, attesting to the esteem in which the deceased had been held in the community. The floral tributes were many and beautiful, and all were artistically placed upon the pulpit platform and choir loft of the church. The casket was adorned with malle lele, festooned over the sides, and on the lid rested beautiful wreaths of violets tied with white ribbons and tulle.

The services in the Masonic Temple were held under the auspices of Hawaiian Lodge No. 21; Dr. Derby being the Master. After this service the casket was borne to the hearse and followed by the widow of the deceased and relatives and Honolulu Commandery, Knights Templar, was conveyed to the Central Union church.

The casket was placed before the pulpit which was occupied by the pastor, Rev. W. M. Kincaid, and the officiating Masons. The Knights Templar, in the full regalia of the order, occupied pews on the right. Hawaiian Lodge was assigned to the body of the auditorium, and a large delegation of members of the Pacific Club, headed by Hon. A. S. Cleghorn, had pews at the left. The widow, Mr. and Mrs. W. H. Cornwell, Jr., Mr. and Mrs. J. S. Walker, Mr. and Mrs. A. A. Braymer, Mrs. Widdifield, Mrs. Vida, Mr. Friel, Mr. and Mrs. Baird, the Misses Vida, Mr. Henry Vida, Col. and Mrs. Geo. W. Macfarlane, Mr. and Mrs. Clarence Macfarlane, and Mrs. F. W. Macfarlane, occupied pews directly before the casket.

The Masonic ritual was given, and a quartette composed of Messrs. Dillingham, Kimball and Wall sang most effectively.

Rev. Mr. Kincaid made an address in which he said in part: "In the silence of a great affliction the soul stands dumb. We have met in each other's company on just such errands of grief and as this, so we stand together in what we call a brotherhood of sorrow."

"It is not for me to dwell upon the life of the man who has just passed out of our midst. As I have been thrown into his society I have found he was faithful to the obligations of his life. His life was characterized by loyalty to conviction, as many of you know. Whatever else can be said of him, he was true to his convictions even when they meant great loss. He was a true and devoted father, a loving husband, a loyal friend and brother in the order to which he belonged, and as such he will be remembered by you all as long as life shall last."

At the conclusion of the pastor's address, the quartette sang "Nearer My God To Thee", after which, at the signal of the Masonic Master, the casket was borne from the church to the hearse, followed by the family, Masons and friends, and the following procession formed and proceeded to the cemetery in Nuanu Valley: Drum corps from the National Guard of Hawaii; Platoon of Police; Honolulu Commandery, Uniform Rank Knights Templar; Hawaiian Lodge, No. 21; Pallbearers—Hon. S. M. Damon, Col. Samuel Parker, W. M. Giffard, Godfrey Brown, C. P. Iauka, Arthur A. Wilder, Prince David Kawananakoa, J. M. Dowsett, Robert W. Shingle and J. F. Bowler; hearse; carriages with relatives and friends.

SERVICES ON MAUI

MAUI, Nov. 21.—Early on Wednesday morning, the 18th, Col. William H. Cornwell died suddenly of heart disease at his residence in Wailuku. For a year past he had complained of his heart, that any undue excitement caused him much discomfort, but none of his relatives or friends considered the trouble a serious one.

The funeral services took place at his Wailuku residence at 3 p. m., Thursday afternoon, Nov. 19, and Rev. Dr. E. G. Beckwith of Pala officiated and a double male quartet led by W. J. Coelho and Rev. W. Ault rendered sacred music. The attendance of friends from different parts of the island was large and the display of flowers was profuse. The coffin was covered with Hima lele and there were many beautiful floral pieces.

After the services the body was borne immediately to Maalea Bay where it was placed aboard the steamer Mauna Loa in transit for Honolulu. One of the most noticeable floral pieces at the Cornwell funeral was a pillow with a Jockey cap and a whip across with the letter "H. J. C." above, which stand for Hawaiian Jockey Club.

A SORE THROAT may be quickly cured by applying a flannel bandage dampened with Chamberlain's Pain Balm. A lame back, a pain in the side or chest, should be treated in a similar manner. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

STRONG OLD AGE

AN OCTOGENARIAN WHO USES DR. WILLIAMS' PINK PILLS.

Mr. Kindred Says They Cured His Rheumatism and That They Give Him Strength.

When old people are stricken with disease every practitioner knows how greatly the chances of successful treatment are diminished by the natural debility due to advanced age. This fact gives vital importance to the case of Mr. Amos Kindred, of No. 82 Jacques avenue, Worcester, Mass., who in his eighty-fourth year is enjoying good health and attributes it largely to Dr. Williams' Pink Pills for Pale People. Not only does he use them as a tonic, a purpose for which they have no equal, but he was cured by them of an acute disease, as related in the following interview. Mr. Kindred says:

"Some time ago I was a sufferer from inflammatory rheumatism. It was in my hands, legs and back, and my flesh was very sensitive. My hands were badly swollen, but my back troubled me most and sometimes was so bad that I could hardly get about. Once when I stooped over to pick up something, I found I could not straighten up. For two weeks after that I could not stand up straight. It was a terrible affliction and neither doctors nor any medicines I tried gave me any relief. I kept getting worse and my back grew so bad that I could not even turn over in bed without help."

"Then I tried Dr. Williams' Pink Pills for Pale People. They fitted my case exactly and cured me. I have had no return of the rheumatism since then. I still take the pills occasionally, for a person of my age requires a tonic now and then, and I find that nothing gives me the strength that they do."

Dr. Williams' Pink Pills have a double action, on the blood and on the nerves, and have cured long-standing cases of locomotor ataxia, partial paralysis, St. Vitus' dance, sciatica, neuralgia, rheumatism, nervous headache, the after-effects of the grip, palpitation of the heart, pale and sallow complexions and all forms of weakness either in male or female.

Dr. Williams' Pink Pills for Pale People may be obtained at all druggists, or direct from Dr. Williams Medicine Company, Schenectady, N. Y., fifty cents per box, six boxes for two dollars and fifty cents.

PACIFIC MAIL REFUSES FREIGHT

The Pacific Mail Company, which also operates the boats of the O. & O. line and Toyo Kisen Kaisha, is carrying all the freight possible, and in the past two months has had to refuse freight at Oriental ports. Often this meant taking up more room than weight, and it would appear, when some of the vessels arrive here, that they are traveling light.

It is said that owing to the accumulation of freight the Pacific Mail Company may charter a steamer especially to carry this surplus to the coast and clean up. When the Manchuria and Mongolia commence their regular runs between San Francisco and Orient ports, it is likely that all the freight offered will be transported without delay. The dimensions of the two new steamships are such that they will carry all the freight now taken by either the Korea or Siberia, with the capacity of the China added. This gives some idea of the magnitude of the new vessels.

Capt. Phillips Watched.

The passengers on the Aorangi on its last trip from Honolulu to Victoria, presented Captain J. D. S. Phillips, commander of the ship, with a handsome eighteen karat gold watch inscribed: "To Captain J. D. S. Phillips from passengers of R. M. S. Aorangi on his jubilee Pacific trip, October, 1903."

Hawaiians Hoarding Coin.

There is still one hundred thousand dollars of Hawaiian coin or "kalakaua" money estimated to be in circulation on the islands, and this money will cease to be legal tender after the first of next January. It is not likely that this money is in active circulation, and the danger is that many thrifty and frugal Hawaiians have hoarded away little nest eggs of this money for the proverbial "rainy day," not knowing that it will cease to be money on the first of the year. Consequently every means possible should be adopted to disseminate the fact among the Hawaiians, and thus prevent serious loss where it can be afforded.—Maui News.

Will Not Resign.

Treasurer A. N. Kepoika stated yesterday that his mind was fully made up on the resignation request made of him by Governor Carter. He says that under no consideration will he resign his office.

A NOISE MAKER.

"How is that baby boy at your house, Mr. Fallow?"
"Fine—fine. That's a great baby."
"Last time I saw him he was a little pale."
"He isn't now. He's a little yellower, you bet!"

A MEMORIAL GATEWAY

Suggestion of What to Do With McKinley Fund.

Editor Advertiser: The funds subscribed for a memorial to President McKinley, are to be devoted to the establishment of a playground. This has been decided by the committee, but no active steps have as yet been taken to carry out the plan.

The Commissioners of Kapoloani park are considering what to do with the pond and marsh within the race track so as to increase the utility and beauty of the premises in their care. If these facts are as I believe them to be, I venture to make the suggestion that perhaps arrangements can be made to combine these two projects. Kapoloani park is the natural playground of Honolulu.

The Oahu Polo Club has spent approximately \$500 in improving a third of the area within the race track by clearing the bushes and filling in the holes with loam. Today this is the only public playground in the city with the exception of Maunali park. If this whole area could be filled up and turfed over and an appropriately inscribed gateway erected, would not the purpose for which the fund was subscribed be carried out, and would not the park be more useful and attractive? The cost of maintenance would be small. The area is large enough for polo, baseball and football all going at once.

I venture to make this suggestion as a member of the Oahu Polo Club who subscribed to the McKinley Memorial fund and who takes an active interest in the development of Kapoloani park.

I remain, sir, etc.,
ALBERT F. JUDD.

MAUI BOARD GOING AHEAD

Supervisors Pick Site for New County Building.

Maui's Board of Supervisors-elect have already begun to take steps to change the site of the county buildings from their present location to a spot east of Market street, adjoining Wells Park. A plat of four acres has been surveyed, and arrangements for streets leading from Main, Market, and Mill streets to the proposed new site are being perfected.

It is understood that the Walluku Plantation Co., which owns this land, has been approached on the matter, and that negotiations for an exchange of land are being broached. The government owns the land where the present court house stands as well as the school lot adjoining which would afford ample room for the new court house, jail, and other public buildings desired, if the new plans are not carried out.—Maui News.

THANKSGIVING FOOTBALL.

A game of football will be played at Wells Park on Thanksgiving Day, Nov. 26, 1903, at 3 p. m., between the Walluku and Morning Stars; 20 minute halves will be played. It is probable that the haul will play before the game. The usual admission fee will be charged.

Following is the line up:
Walluku—G. Cummings, r. e.; C. Bailey, r. t.; J. Cockett, r. g.; Wallama, r. c.; Crowell (Captain), l. g.; J. Doe, l. t.; L. R. Crook, W. R. Boote, q. W. R. Westcott, r. h. b.; C. Thompson, l. h. b.; W. H. Cornwell, f. b.
Morning Stars—A. Jackson, l. e.; J. Kamaka, F. Scholtz, l. t.; C. Sardinia, l. g.; M. Perera, q.; Daly, Jno. Brown, r. g.; Kerr, H. Meyer, r. t.; W. Crowell, r. e.; G. B. Schrader (Capt.), l. t.; Ross, l. h. b.; N. Krueger, r. h. b.; P. Correia, f. b.—Maui News.

FAMILIAR NAMES.

"Wagg—Acquainted with the Zeno family?"
"Snagg—Zeens? Never heard of them." "You have met the young fellow haven't you—Ben and Mackie? Ben Zeno works in a clothing cleaning establishment. Mackie Zeno is a literary man." "Ah, yes, I remember them now. They live down town with the Zenos. Know the Zenos?"
"Good! I remember them. A. and Pearl A. Zeno live in a house in a laundry. Their name is 'Zeno'." "Nay, nay, I have heard of them in and more of the family in the home. I'll pay for the Zenos."

PROTECT YOURSELF and family against attacks of pneumonia by securing at once a bottle of Chamberlain's Cough Remedy. If this remedy is taken at the first appearance of a cold, danger will be avoided. It always cures and cures quickly. Sold by all dealers and druggists. Benson, Smith & Co., Ltd., Agents for Hawaii.

EXAMPLES OF KEPOIKAI'S RARE OFFICIAL CAPACITY

What Governor Carter Has Reason to Expect if Compelled to Forego a Choice of Head of the Treasury.

An application was received by Governor Carter from the Honolulu Rapid Transit and Land Company for permission to extend its Nuuanu avenue line from Bates to Judd street. It was accompanied by a written consent of property owners, certified as full and correct by Surveyor W. E. Wall.

Governor Carter transmitted the papers to Treasurer Kepoikai, as the custodian of public franchises, with a request that he ascertain if all of the conditions of the Rapid Transit Company's franchise were complied with by the matter.

Treasurer Kepoikai, after due time, returned the documents to Governor Carter with a letter made long by quotations from the Governor's letter of transmission to him, and merely citing the already known Territorial Surveyor's certificate as evidence that the application complied with the conditions of the franchise. The purpose of reference to the Treasurer was entirely unfulfilled.

Governor Carter regards the incident as a foretaste of what he may expect, in point of efficiency of service, from the head of the Treasury Department in matters of detail belonging thereto should Mr. Kepoikai persist in clinging to his commission.

Another instance of Treasurer Kepoikai's capacity in financial administration, among Mr. Carter's grounds for desiring a different head to that department, arose in connection with the loan situation. When Mr. Carter

reached New York he found that the United States Mortgage & Trust Co., was on the point of throwing up its purpose of having a hand in the business. Its reason was the unsatisfactory nature of the information supplied by the Treasurer of Hawaii.

The company had written for a form of the bond intended to be issued. Treasurer Kepoikai in response sent it a specimen bond variously marked with a copy of the Loan Act pinned to it. This combination was so indefinite that the company could not make any proposal without taking the risk of varied complications. As the company desired to include the printing of the bonds in its services, which was ultimately settled thus, and it cost seven and a half cents a word to engrave the form, it was important that the company should have some approximate idea of the quantity of reading matter to be printed.

This was one of the things, among many others, which Mr. Carter had to straighten out in paving the way for the great success he finally achieved in leading the loan.

With examples such as these in mind, Governor Carter feels that an injustice is being done to him by any people who think he wants to run all the departments of government for the fact is that his anxiety is to have heads to the departments capable of conducting their ordinary details with the least possible reference thereof to himself.

SOME HOUSE VOUCHERS ARE STILL CONCEALED

Governor Carter was a witness, before the Federal grand jury yesterday morning. He was examined as to what documents he had received from Clerk Meheula of the House and excused to make further investigation of the trunkful of papers. His search resulted in finding certain papers that were wanted, but when he returned with them the grand jury had adjourned for the day.

Other witnesses before the grand jury yesterday morning were Representative Kumalae, for the third time, and Enoch Johnson, attorney.

When the grand jury adjourned a committee of the body to tabulate the House vouchers held a session. It is understood that the tabulation will form part of the grand jury's report.

Clerk Meheula will almost certainly be called in again, as it appears some vouchers are missing from the invoice book he surrendered to the grand jury.

From what can be gathered on the outside, there is a probability of at least one indictment being returned in the vouchers matter. That there may not be more would be due to the limitations of the Federal statutes for reaching the grafters involved in the revelations of the vouchers.

There is a good deal of talk about the law of the matter. The contention is heard that the Federal grand jury has no jurisdiction to make the investigation at all, because the Legislature of the Territory is an independent body so far as the control of its records is concerned. Those who argue this way claim that the Federal law against the destruction of public documents relates only to Federal documents.

On the other hand, the same critics argue that nothing could be done by a Territorial grand jury, with respect to compelling the production of the vouchers or cause for their non-production because there is no Territorial law similar to the Federal statute for maintaining the sacredness of public documents.

Those who are engaged in this signal service for the public, however, are paying no attention to any of these extraneous objections. Apart from the presumption that they know what they are doing and under what authority it is being done, they realize that the best public opinion appreciates the high value of their services even if nothing further than the mere exposure of the looting of public funds should result.

W. L. Eaton, a member of the Territorial grand jury, called at the Attorney's office yesterday to complain of the criticism of that body. He felt

that Governor Carter must have been misinformed when he represented the Territorial grand jury as having been given the vouchers matter to investigate and reporting that they had found no cause for indictments. Mr. Eaton says they were never charged on that subject, but Mr. Parker, foreman, had expressed the opinion to them that it was more the business of the Territorial than of the Federal grand jury.

INAUGURATION OF GOVERNOR CARTER

Governor George R. Carter will take the oath of office in the old throne room, Executive building, at 11 o'clock tomorrow morning. After taking the oath Governor Carter will deliver a short inaugural address.

Chief Justice Frear will administer the oath.

There will be no military display. Governor Carter yesterday did not even anticipate the attendance of the band—but the public is invited to attend. Places in front will be reserved for officials, judges of the Federal and Territorial courts, consuls, etc.

Early yesterday morning Governor Carter received an answer to his inquiry of Secretary Hitchcock, as to whether his cable instructions of the previous day meant that he was to be sworn in before his commission arrived.

"Take oath now," was the message. On receiving this definite command from Washington, Governor Carter communicated with the Republican Central Committee, soliciting its recommendations for appointments to Territorial offices that the Governor has the power of filling. There will likely be little if any delay in making appointments after the Governor's inauguration. H. E. Cooper's resignation as Superintendent of Public Works was tendered without expectation or desire of reappointment, his actual retirement having taken place when Mr. Carter became Acting Governor. A. N. Kepoikai refuses to resign as Treasurer. With these exceptions the heads of departments all resigned out of courtesy and are supposed to expect reappointment.

An item in a Hilo paper indicates that Governor Carter favors J. Castle Ridgway to succeed himself as Secretary of the Territory, a presidential appointment, being that he has written to Rev. S. L. Deas asking him if Mr. Ridgway would be acceptable to the Hawaiians. Symptoms of preparations for an inaugural ball were apparent yesterday.

NEW HABEAS CORPUS CASE

The First One Under Judge Gear's Ruling.

Judge Gear's famous "jail delivery" decision is likely now to get into the Supreme Court. J. W. Cathcart yesterday filed a petition for writ of habeas corpus on behalf of Goto, a Japanese who is alleged to be illegally deprived of his liberty. The basis of the petition is the decision of Judge Gear given a few weeks ago, in which he held that Oahu Jail was a prison, and that prisoners confined there were on the same footing as those convicted of an infamous crime. Consequently he released various prisoners who had not been indicted by grand jury as provided in the constitution of the United States in cases of infamous crimes.

The petition filed by Cathcart yesterday is signed by Mayo, the next friend of Goto. It alleges that Goto pleaded guilty on September 11, 1930, and was fined \$350 and costs by Judge Gear for selling spirituous liquors without a license, and given the alternative of going to jail. It is also set out that Goto has been confined in Oahu prison since that day and that he is held unlawfully, never having been indicted by a grand jury as required by law. Judge Gear granted the petition for a writ and ordered its issuance directed to the High Sheriff. The writ is made returnable Monday morning.

Goto is the first of the prisoners in Oahu jail to take advantage of Judge Gear's decision declaring illegal the sentencing of any man to prison by district magistrates without a grand jury indictment. It also gives the first opportunity the Territory has had to appeal from the decision. Under the local statutes there is no appeal on the part of the prosecution from a ruling in a criminal case, but there is an appeal from a decision on a writ of habeas corpus. If Gear follows out his ruling in the test case he will undoubtedly order the release of Goto, who has already served over two months in jail. Goto's confinement was liable to have been an extended one as he was ordered imprisoned until he had paid a fine of \$350. In the lower court the fine was fixed at \$500. Goto pleaded guilty in Circuit Court.

GOVERNOR CARTER IS COMMISSIONED

Governor Carter he is now fairly entitled to be called, without the cumbersome handle "Acting" prefixed. Yesterday he received the following cablegram from Secretary Hitchcock:

"Hon. George R. Carter, Honolulu. Take oath of office as Governor in duplicate. Commission by mail."

"E. A. HITCHCOCK, Secretary."

Mr. Carter doubted whether the command was to be sworn into office forthwith or to be sworn to in the manner of recording the oath-taking in duplicate—when his commission arrived. He therefore cabled the following inquiring reply:

"Secretary Hitchcock, Washington, D. C. Shall I take oath before commission arrives?"

"CARTER." Some of Mr. Carter's friends interpret Secretary Hitchcock's message as a telegraphic commendation of his commission, on receipt of which evidence of his commissioning he is desired to take the oath of office as Governor. The reason for such an interpretation is that the instruction, as to duplicate, if intended for the time of the commission's arrival, might as well and probably would accompany that document by mail. Besides, it is easy to imagine a desire, on the part of the President, to relieve Mr. Carter of any embarrassment in the administration of affairs upon the retirement of Governor Dole. Up to yesterday evening Governor Carter had not received an answer to his inquiry.

KEPOIKAI STILL STICKS TO OFFICE

There is nothing later in the Treasury department deadlock than the fact that Mr. Kepoikai still refuses to resign the office. Governor Carter yesterday sent the following reply to the Treasurer's midnight communication:

"Honolulu, November 20, 1933."

"A. N. Kepoikai, Esq., Honolulu. 'Dear Sir:—In your official letter as Treasurer, addressed to me as Acting Governor, and delivered at my house at 1 o'clock in the morning of the 19th inst., you evidently intend to make the issue one of veracity between ourselves and leave it to public opinion."

"For some time I have made it a habit to dictate the substance of important interviews immediately upon their conclusion, while the matter is fresh in my mind and before circumstances change."

"This memorandum shows that my first interview with you was on Oct. 31, and that I asked you point blank if it was satisfactory. You replied, 'Certainly.' You said that you knew it was in accordance with American custom and precedent."

"My second interview with you was on Nov. 10, and I have memorandized it. But you refused to sign a statement, and I have no way of knowing what you can recollect. You say, 'I am going to stick to my trunk for Maui and Hawaii. Very respectfully, (Signed) 'GEORGE R. CARTER.'"

AN ANCIENT WILL CASE

It Was Contested Sundry Times Before.

Junius Kaas is attempting to break the will of Kealliahonui, which was admitted to probate on February 15, 1886, or more than 48 years ago. The Justices of the Supreme Court who passed upon the matter then were L. Andrews and G. M. Robertson. In 1886 the late Justice Robertson, father of Attorney A. G. M. Robertson, heard and decided against a petition for revocation of the will brought by Kapiolani, David Kalakaua and others for revocation of Kealliahonui's will. A. F. Judd, the late Chief Justice, was counsel for petitioners, while Messrs. Harris and Austin, afterward of the Supreme Court bench, were counsel for Mrs. Haalelela. The late Justice L. McCully was then clerk of court.

In 1890 the will was again contested and a plea in bar was sustained by the late Justice Hickerson, whose decision was affirmed in a Supreme Court opinion signed by L. McCully, Richard F. Hickerson, and Sanford B. Dole. Chief Justice Judd was disqualified from his former appearance.

Hatch & Ballou, attorneys for Mrs. A. A. Haalelela, have filed a motion to dismiss the petition of Junius Kaas for revocation of probate of the will of Kealliahonui, on the ground of laches and want of prosecution. The motion is based on the records and the following affidavit of Mrs. Haalelela:

"Mrs. A. A. Haalelela, being duly sworn, on oath deposes and says that she is the principal party in interest in opposing the above petition; that a similar case brought by Kapiolani et al. and involving the identical issues raised by the petition herein was tried about the year 1886 in which the validity of the will was sustained; that the witnesses then called on behalf of affiant were Kamanawa, W. H. Pease, Mrs. John Cummins, Mr. John Cummins and Charles Kananiha; that all of said witnesses are now dead with the exception of Mr. John Cummins, who was called to testify only to his wife's handwriting, that affiant's principal witness was Mrs. John Cummins, one of the witnesses to the original will of Kealliahonui; that said Mrs. John Cummins died within three years last passed; that the testimony for and against the petition herein, so far as this affiant knows, was almost exclusively oral in character and that, owing to the long lapse of time herein and the death of the witnesses who could testify to now try the issues raised by the petition herein, further, affiant saith naught."

The contest involves the title to valuable city property.

EJECTMENT CASE.

Hawaiian Trust and Investment Co. vs. Annie Barton et al. came on for trial before Judge De Bolt yesterday morning. S. H. Derby of Kinney, McClanahan & Cooper appeared for plaintiff, and Robertson & Wilder for defendant. Gear, Lansing & Co. Holmes & Stanley for other defendants were not present and, after some discussion, the court directed that the trial proceed with W. T. Rawlins as counsel in place of Holmes & Stanley, he having been in the case last year and being familiar with the facts. The following jury was found satisfactory to both sides, after six men had been excused: Isador Livingston, Ben. Guerrero, George Cypher, H. Meek, Chas. E. Frasher, E. McCarrison, Jno. Kuana, Isaac Adams, P. M. Lucas, W. H. Thomson, James A. Auld and Isaac Noar. A disclaimer of interest by Annie Barton and Helen Dunning was read, along with the complaint and answers of defendants remaining in the case. After some evidence was taken, counsel for plaintiff was allowed to amend the complaint by changing the name of the plaintiff to The Hawaiian Trust Co., Ltd. The suit is ejectment relating to what is known as the "Canton hotel" property in Hotel street, the plaintiff claiming an undivided one-fourth interest therein and \$5000 damages for unlawful possession.

DEBT CASE TRIAL.

Washington Mercantile Co. vs. Eari Tol, suit for \$375.00 on account of goods furnished, was called for trial before Judge Robinson yesterday. Thayer & Hemenway and W. L. Whitney for plaintiff; F. Andrade for defendant. The following jury are trying the case: J. K. Manase, Henry De Fries, Alex. Kahoalii, C. N. Arnold, J. K. Clark, A. E. K. Keohokaloie, David F. Notley, Chas. T. Day, Albert A. Wilson, Solomon A. Hiram, Carl Maertens and G. H. Greene. One by-stander was summoned to complete the jury.

MRS. PARKER APPEALS.

Abigail Campbell Parker by her attorneys, Holmes & Stanley, has appealed to the Supreme Court of the Territory from the decision of Judge Gear appointing E. P. Dole guardian of Muriel Campbell and Mary Beatrice Campbell, her minor children.

WANTS COUNTY ACT TO STAND

At the meeting of the Republican Territorial Committee yesterday morning a resolution was adopted placing the committee on record as being opposed to any and all attempts to annul the county act.

INDICTMENTS TO FOLLOW DISCLOSURE OF VOUCHERS

What the Territorial grand jury shined over with almost unconcealed disdain, the Federal grand jury has probed to the bottom in quick order. The vouchers of the House of Representatives, for the legislative session of 1902, were yesterday produced before the Federal grand jury.

Solomon Meheula, clerk of the House, who had falsely stated that he did not know the whereabouts of the vouchers, in obedience to a subpoena issued by Judge Dole carried the documents into the grand jury room and hence was then immediately allowed to depart. Having the vouchers, the grand jury next procured from the Auditor's office other evidences of legislative expenses. Witnesses were excused for some hours while the Federal grand jurors held a scrutiny of the tell-tale documents.

Though surrendered as stated, the vouchers are not yet available for publication. They are the property of the Federal grand jury for the present. Nevertheless, from a little here and a little there, it has transpired that there was method in the futile attempt at forever withholding them from the light of day.

Perhaps as many as eight or ten politicians who have posed as real somebody must have sadly bemused through last night's watches the power of an honest and fearless grand jury to unearth corruption and race. Enough is known outside of the grand jury's secret chamber to justify a preparing of the public mind for revelations of graft and downright stealing, with regard to the disbursement of funds extravagantly voted for its running expenses by the House of Representatives, such as have no parallel in the history of Hawaiian legislatures and few if any in the annals of any legislative body on earth for a century past.

There will probably be several indictments presented as a result of the examination of the House vouchers by the grand jury. This is a gratifying prospect, since it has been widely supposed that Federal law could not reach beyond an inquiry as to whether or not the vouchers had been destroyed, and if the latter the punishing of the agents of destruction under the United States statute in such cases provided. The exposure of the grafters alone will have a wholesome effect on future legislation, much more so their due and proper suffering of the penalties the law may prescribe.

It has transpired that many of the vouchers are for money paid without proper official approval. Prices for supplies furnished and pay for services

purported to have been rendered are in not a few cases outrageous. Wages obtained by some hangers-on, upon a per diem basis, represent several times more days than the Legislature sat. Two dollars a page for translating is a fairly stiff sample of charges for work, while \$34 for a dozen pens is among the milder types of bills for supplies. The printing and proof-reading graft is particularly bad.

On the other hand, there are apparently honest bills cropping up here and there, which seem almost ludicrous amidst the mass of corruption.

A comical aspect of the discovery of the vouchers was the unabashed audacity of some members of the House, awaiting their calls as witnesses, to the surrender of the documents. These frank statements questioned the right of the Federal grand jury to meddle with a Territorial matter, denounced the investigation going on inside as a farce and justified Clerk Meheula in standing off the "impertinent press" in its inquiries about the vouchers.

There was even talk to the effect that Meheula would refuse to yield the custody of the vouchers to the grand jury. When Meheula emerged from the sweating house, within a space of time, precluding his having argued the matter at all, there was a falling of countenances in the corridors. The game was up.

The House members, with some exceptions, have not yet been released from their subpoenas. After the inspection of vouchers more witnesses were examined.

"It is not that there was graft," one who knows part of the revelations commented last night. "All legislatures have more or less graft. But much of this graft is a combination of boldness and want of intelligence which baffles ordinary comprehension. It is a very humpy graft."

Governor Carter was asked if the Territorial authorities would take action on their own part, in view of the discovery of the vouchers. His reply was to the effect that he did not see what could be done at present. The matter was previously given to the Territorial grand jury, which had reported having found no cause for any indictments in the matter. But that jury hadn't seen the vouchers and it contained men who were able to defeat the indictment of any native.

At the same time Governor Carter expressed his gratification that some authority had arisen to expose the House corruption. He realized that the exposure of the offenders would have its effect upon future legislators.

CARTER WILL FILL OFFICES ONLY AFTER INAUGURATION

Republican Committee Makes Recommendations for Heads of All Departments—The Inaugural Ceremonies.

Final arrangements for the inauguration of George R. Carter as governor of the Territory of Hawaii were completed yesterday. The program will be of the simplest nature. Governor Carter will enter the old throne room at eleven o'clock supported by Judge Dole. The Governor's staff will accompany Judge Dole. The oath of office will be immediately administered by Chief Justice Frear of the Supreme Court.

Governor Carter will then deliver his inaugural address, which will be a brief outline of the future policy of the new administration.

The hall of the House of Representatives will hardly be large enough to hold the crowds, which no doubt will attend the inaugural ceremony. No special invitations have been issued, excepting to the members of the diplomatic corps in Honolulu, and to Admiral Terry and his officers, and the army officers now in Honolulu. A special invitation has also been addressed to the commander of the Italian cruiser Elba. Only a general invitation is extended to the members of the Legislature, the Judiciary and to other government officials. The only formal invitations have been to those above mentioned.

After the inaugural address Governor Carter will retire immediately and the entire ceremony is expected to be concluded before noon.

THE APPOINTMENTS.

Governor Carter sent to the Republican Territorial Committee on Saturday a request for recommendations for filling the offices of the heads of all departments. The executive committee met yesterday morning and acted upon the letter, but the recommendations have not been given out. Excepting perhaps in the Public Works Department there will probably be no recommended changes. The committee has acted upon the request of Governor Carter and recommended men for every office down to the secretary to the Governor, and including Secretary of the Territory.

Chairman Crabbe declined to give out the result of the committee's action and Governor Carter had not opened the letter sent to him last night.

"I shall not open the communication from the Territorial committee until after I have been inaugurated," said Mr. Carter last night. "Then I will take up the recommendations of the

committee and consider the matter of making appointments. I have asked the committee to send in names for the heads of all departments. If the recommendations made are not in accordance with my own ideas and the responsibilities of the offices which are to be filled, I shall ask for a conference with the committee. I consider it essential to good government to work in harmony with the Republican party."

THE INAUGURAL BALL.

The plans for an inaugural ball are still in an indefinite state. The trouble at present is that the fund for state entertainments is down to about \$700, while the ball would cost double that amount. The balance may be made up by subscription among the business men. If the ball is not held at this time, a New Year's ball will probably be given as the new appropriation will then be available.

The Government band will play preceding the inaugural this morning. Officers of the general staff will also attend.

The following order was issued yesterday:

Headquarters First Regiment, National Guard of Hawaii.

Honolulu, Oahu, T. H., Nov. 21, 1933.

General Order No. 75.

The officers of the Regiment will assemble at these headquarters on Monday, November 23rd, at 10:30 o'clock a. m.

Uniform—Fatigue; blue trousers, white gloves and side-arms.

By order of Col. Jones.

JOHN SCHAEFER.

Capt. 1st Regt., N. G. H., Adjutant.

AN OLD TIMER PASSES AWAY

Frederick J. Hills, an old resident of the Islands, and proprietor of the Hawaiian Soda Water Works, died at one o'clock this morning. Mr. Hills was very well known in Honolulu. His death is due to old age, he being eighty-one years old. He leaves a wife and three sons here. Mr. Hills was an Englishman and in his early years was in the British army being one of the many soldiers who fought in the Maori wars in New Zealand. His home was at 1425 Emma street.

JOCKEY CLUB MUST MOVE FROM KAPIOLANI PARK

At a meeting of the Honolulu Park Commission on Friday afternoon it was decided to remove the Kapiolani Park jockey club from the grounds now occupied as a racetrack. The Hawaiian Jockey Club, which has been operating on the grounds since 1928, is to be removed to a new site.

The commission decided that the Kapiolani Park grounds would be used for other purposes, and that the jockey club should move to a new site. The commission also decided that the jockey club should be given a time limit to secure other grounds.

also contained a request that the Hawaiian Jockey Club keep the remainder of its fence in a tidy condition.

The second resolution passed was to the effect that the Honolulu Park Commission desired the use of the entire Kapiolani Park grounds and while not desiring to embarrass the Jockey Club, it desired that the club make arrangements for some other race course.

In order to fix a time limit the commission gave notice to the Hawaiian Jockey Club that its right to the use of the Kapiolani Park grounds would be terminated from date. This gives the jockey club an opportunity for holding their annual race meets on June 1st of the present course. This will give them ample time to secure other grounds.

Hawaiian Gazette.

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WALTER G. SMITH, Editor.

SUBSCRIPTION RATES.
Per Month, Domestic, \$1.00
Per Month, Foreign, \$1.50
Per Year, Domestic, \$10.00
Per Year, Foreign, \$15.00

Payable in Advance.

A. W. PEARSON,
Manager.

TUESDAY : : : NOVEMBER 24

THE VALUE OF TOURIST TRADE.

A writer in a recent issue of the London Times gives some interesting data as to the value of the tourist trade, citing Switzerland as an example. Hawaii may well be willing to spend many times the amount of the fund already placed at the disposal of the Hawaii Promotion Committee if it gets one-tenth the returns, with which the little Alpine country is credited. The Times says:

"So far we have only knowledge, and that of recent date, as to how many people visit the Alps annually for mountaineering purposes. In July of last year a Berne physician made the necessary statistical inquiries, and established the fact that about one hundred thousand people go each year to the Alps. But, of course, as the doctor then pointed out, these figures form only a small part of the total number of annual visitors to Switzerland. Herr Freuler's carefully compiled statistics show that the actual number is no fewer than 880,000. It must, however, be borne in mind that Freuler's figures apply only to those who visit Switzerland for curative or recreative purposes. Further, we are also informed as to the average length of sojourn of each visitor, which, to put it briefly, amounts to from two to three weeks, thus making a total of seven or eight million days which visitors spend in Switzerland annually. The most interesting part of Herr Freuler's essay is that which refers to the financial and economical side of the hotel and similar businesses in Switzerland.

"According to Herr Freuler the total amount of money paid over to the proprietors of hotels and pensions in the course of a year is between eight and nine hundred million francs, about 20 per cent of which comes from the pockets of the native population. We see, therefore, that foreign visitors spend about three million pounds sterling for board and lodging, and it is further calculated that they disburse sixteen to eighteen million francs—say \$26,000,000—to the railway companies, steamboat proprietors and owners of vehicles. Against this total sum of \$3,400,000 we have to place an expenditure on the parts of the caterers, railway companies, of fifty-two to sixty-two million francs, or at least \$2,000,000. Herr Freuler goes on to point out that from this gross profit of \$1,400,000 as much as \$1,000,000 has to be deducted for depreciation and improvements, and that consequently the net profit on the capital outlay, which he estimates at a sum amounting to over \$50 million francs, is decidedly small. It follows, therefore, as Herr Freuler says, that visitors travel and are entertained very cheaply in Switzerland, and he goes on to remark:

"It must, however, be remembered that there are frequent and on some occasions considerable fluctuations in prices, according to the season; that the demands made by visitors are not always justifiable; that various companies offering facilities for touring produce an unhealthy competition, based on thoughtlessness and want of business principle; and, further, that the competitive envy of some restaurant keepers leads to catering which is not in keeping with honest management.

For the reception of visitors there are according to the author 1,896 hotels, pensions and private lodging-houses, which together contain 104,800 beds. Having circumscribed all these places, the statistician is able to say that 945 of them are open only during the season, and that these contain 82,800, so we see that the 951 that are open all the year round only contain 42,000 beds. Herr Freuler also inquired as to the number of people employed at these hotels and pensions, and found that 22,000 are given full occupation, and that a further 5000 are required irregularly, there being almost equal numbers of both sexes. There is, therefore, on an average, one servant to every four beds. On the whole, the hotel business gives direct or indirect employment to between 32,000 and 36,000 people at the height of the season, whose wages amount to from nine to eleven million francs, exclusive of both their board and residence, which Freuler estimates at from 7,500,000 to 8,500,000 francs and of gratuities, which amount to as large a sum as from 3,500,000 to 4,000,000 francs.

As regards the nationality of the attendants, the author was able to ascertain that, with the exception of a small number—about 2,500—they are all Swiss born. These figures alone are sufficient to show to what an enormous extent the financial and economical position of Switzerland is dependent upon the presence of foreign visitors.

A cruiser is said to be worth about \$3,000 a month to Honolulu and a battleship about \$15,000. Three battleships would pay out \$45,000 and seven cruisers \$21,000 for supplies making \$108,000 for a month and \$4,000 for a fortnight. This is irrespective of what officers and men would personally spend ashore.

Kapohali evidently believes in the proverb that a job in his hand is worth two in the hands of the present Governor.

JURY REFORMS.

The reforms in the selection of petit jurors and in the methods of procedure in jury trials, already discussed in the columns of the Advertiser, deserve serious and minute attention. The original conception of the jury system was very different to the modern practice. Jurors were selected from the immediate vicinages where crime was committed or the cause of action arose for the very reason that, in common with their neighbors, they were supposed to have some knowledge of or information about the facts. This was of course at a period when the world, on its way to civilization, was practically divided into small neighborhoods, which, in the then existing condition of transportation facilities, were widely separated.

This primitive mode of solving questions of fact in the course of time developed into the entrenchment of the jury system as a protection to individual liberty against the aggressions of centralized authority, and of withdrawing the determination of facts from judges, whose abstract devotion to the law was supposed to interfere with their comprehension of the ordinary affairs of men, and who themselves were sometimes the instruments of tyranny.

The requirement of unanimity in each verdict by twelve duly selected and competent jurors was adopted, because it was believed, and history proved, under forms of government different to our own, that individual rights would be unsafe under any other rule. On the assumption, which is usually correct, of the personal integrity and ordinary intelligence and education of citizens entrusted with the performance of jury duty, this argument would have no place in the United States.

In these days, it would be obviously improper to submit any issue, criminal or civil, to jurors who had been witnesses to any of the facts upon which they were to pass. Personal bias or prejudice against either side of a controversy is also a necessary disqualification. An opinion against or for either party, which it would require testimony to remove, and which would prevent a juror from hearing the evidence with a free mind, is also and ought to be a disqualification. But an opinion (so-called) which rests upon publications or hearsay, and therefore, is purely hypothetical or conjectural, is in reality a mere impression, that no man capable of jury service could be prevented from forming. Such an "opinion," irrespective of statutory law, has been frequently held in no way to disturb the mental equilibrium essential to just verdicts, and, in a number of the States, the rule has been expressly formulated. For instance, in California, in civil actions, it is provided that a juror cannot be successfully challenged for cause, on this ground, unless he has "an unqualified opinion or belief as to the merits of the action, founded upon knowledge of its material facts or some of them." And, in criminal proceedings, the Penal Code of that State declares: "No person shall be disqualified as a juror by reason of having formed or expressed an opinion upon the matter or cause to be submitted to such jury, founded upon public rumor, statements in public journals, or common notoriety; provided it appears to the court, upon his declaration, under oath or otherwise, that he can and will notwithstanding such an opinion, act impartially and fairly upon the matters to be submitted to him."

There are necessarily other disqualifications, arising out of personal relations, consanguinity or affinity, interest, previous jury service on the same questions, and similar causes of incapacity to act fairly, which it is unnecessary here to detail. Modern practice, when honestly applied, without reference to petty technicalities that have no substantial effect, plainly requires only that a juror shall be able and willing to determine issues upon the testimony and the law.

In most, if not all, of the States, offenses which are not "infamous" may be tried without the intervention of a jury, and the rule of unanimity has been frequently and properly invaded. It thus appears that some of the reforms suggested by Mr. Justice Brewer are already in progress. But there are several of his propositions that demand legislative notice. Under the old rule, the coercive policy was adopted, and juries were deprived of food, water, fire and all the necessities of life, until they agreed or were discharged. This was the infliction of a cruel and inhuman punishment for the fulfillment of a duty, required by a solemn oath, as well as by a sense of public obligation. Compulsory verdicts settled cases, but they did not administer justice.

It is a truth, not generally observed, that, under the majority rule of government, honest disagreements among jurors are usually right, that is, they represent the proportionate difference of opinion that would exist among the mass of average citizens upon the facts to be determined. This is a very strong argument in favor of Mr. Justice Brewer's protest against the requirement of unanimous verdicts, even in criminal matters, except perhaps those involving the death penalty or very protracted imprisonment. In civil actions, the rule applied in California and in some other States, of requiring only three-fourths of the members of a jury to render a verdict, has worked satisfactorily. There is no sound reason why this rule should not be extended at least to the majority of criminal causes.

To what extent the useful alterations in the law proposed by Mr. Justice Brewer can be made through the territorial legislature or while the territorial condition exists, it is for the lawyers of Hawaii preliminarily to determine. The Federal Constitution provides for trial by jury on indictments for crime and in common law actions, where the amount involved exceeds twenty dollars, and it has been held that the jury here referred to is a common law jury, composed of twelve persons, and whose verdict had to be unanimous. In the different States, if there is no state constitutional inhibition, no legislative disability exists in the way of regulating or even abolishing jury trials. Whether the territorial legislature possesses this power may be a question.

ARMED CHICKEN THIEVES.

The police records will show that most of the chicken thieves in this city, who have been caught in the act, were prepared to do murder. As a usual thing they go armed. In several instances they have either committed or attempted capital crimes, as was the case with the Chinese thief who killed Officer Nabwin, while trying to escape. The Ewa murderer, who is still at large, was a chicken thief. The Moanalua road bandits, whose crimes of murderous assault are recent history, belonged to a hui that stole fowls for a livelihood. The man who cut J. P. Brown so badly a few years ago belonged to the same class.

Under the circumstances the courts ought, we think, to deal more severely with the chicken stealers, especially with those found armed. They deserve the utmost limit of the law. There is small difference in kind if there is in degree between burglars who break into houses prepared to kill and thieves who break into outbuildings where portable property is kept under protection, who are similarly prepared.

OIL FOR ROADS.

This experiment now being made on the Waikiki road with oil as a substitute for water, although not yet completed, gives every promise of being successful. While of course there are some objectionable features to the use of the crude petroleum as a street dressing, they are not of such a nature as to entirely militate against further experiments on the same line.

Not only is oil better, but it is also less expensive, for laying the dust on streets, than the use of water and the sprinkling cart. One dressing of oil is expected to be sufficient to keep the street in a dustless condition for a year, while the watering carts, with their almost hourly visits, soon become very much of a nuisance. While the first cost of the oil is of course greater, in the end it is the much more economical method of caring for the streets, saving both in labor and in the constant drain on the water supply.

The Waikiki road will probably be carried through to completion before any further tests are made by the Public Works Department. From the King street intersection, for a distance of probably half a mile, the road has been treated to a layer of well rolled broken stone, sprinkled with oil, which has then been covered with a layer of gravel, the whole being rolled into one compact mass. The odor from the top dressing is disagreeable and the oil is said to have an injurious effect upon rubber tires, but as an antidote to the dust, the oil certainly has no equal. Until the value of oil has been fully demonstrated on Waikiki road, however, no further experiments will be attempted.

The action of the government in ordering a division of the Asiatic squadron to Honolulu would seem to indicate that American diplomats have no very grave fears of serious trouble in the Orient.

COUNTY GOVERNMENT LAW.

It is absurd to suppose that the county law is a vulnerable one, as it is attacked by a political movement. The first citizen who suffers from its effects will have the right and the incentive to challenge it in court and its chances of winning, as Mr. Cooper did in his attack on the part creating a Board of Public Institutions, will not be impaired by any special enthusiasm for the new law among politicians and office-holders. The question simply is whether we are going to have the Supreme Court pass upon the County Act sooner or later.

There are some good public reasons why it should be sooner. From what we hear of the personnel of county government in East Hawaii and of the malign influences which lay behind the election of a Home Ruler for District Attorney of Kauai, these counties are in for a season of political misfortune. No doubt Maui, before it gets through, will wish it had never heard of county government. In view of these facts and probabilities, if the County Government law is not good law, a service might be done good government by proving the fact now.

In the early edition of the Bulletin yesterday, one Ulysses Jones, a member of the Territorial Grand Jury, complained of the Advertiser because it had characterized jurymen who had put their names to a majority report asserting certain facts and then to a minority report denying them. Mr. Jones, as one of the doubters, asserts his right to change what he politely calls his mind. That right is conceded, but Mr. Jones, when he has said no to a proposition should not turn about and say yes and give both answers as his judgment. A man fit to be a juror would, when he had changed his views, take his name off the earlier statement of them.

JUDGE DOLE HEARS PLEAS OF GUILTY

There were two pleas of guilty to indictments in the Federal court yesterday.

Manuel Ross, assistant postmaster at Puunene, Maui, pleaded guilty to embezzlement of United States postoffice moneys.

Hayashida, represented by Frank E. Thompson, pleaded guilty to violating the Immigration laws, in importing laborers under contract. This is not in the category of immoral importation of human beings, which is a terribly long one at this term. Hayashida's offense is but a misdemeanor.

Judge Dole will sentence both Ross and Hayashida this morning. All other defendants arraigned under indictments were allowed to reserve their pleas until Wednesday.

THE NEW GOVERNOR.

Governor Carter's inaugural address impressed those who heard it as the utterance of a man who meant, as Territorial Executive, to do his best for the land and the people. It was the address to be expected of a Governor of the faith of Roosevelt. It promised hard work, fair play, confidence in the people and economy and integrity in office; and it was strong in its Americanism.

The new Governor begins his administration with growing harmony in his party. No faction is critical of him; all the Republican and semi-Republican papers of the Territory unite in wishing him well and in summoning their friends to his support. We believe the new Executive will pay particular attention to the welfare of his party as he will to the welfare of the Territory as he becomes an administrative chief.

But Governor Carter's service will not be wholly local. It will extend to Washington, where the greater concerns of the Territory are worked out. Many such services as are rendered States by Senators will be given to Hawaii by its Executive in his capacity of friend and welcome counselor of the President.

THE NAVAL DEMONSTRATIONS.

The orders given the Battleship and Cruiser squadrons on Asiatic service to rendezvous at Honolulu is, of course, a move in world-politics. Doubtless it has reference to Panama affairs. That any trouble with Europe is impending, does not strike us as a tenable theory. Europe wants a Panama canal, and the prompt recognition of the new Latin-American republic by great powers shows that there is no disposition in the Old World to challenge the claims of the Panama insurgents or of the United States as their protector.

But what of the New World? When the news came about the Panama revolt and the American part of it, the Advertiser remarked upon the bad effect it was certain to have upon the Latin American republics. At last the North Americans had resumed their southern march. First they had wrested an empire from Mexico; now they were making trouble south of Mexico and getting a sovereign position on the soil. What next? Might not these land-hungry expansionists—men who had even crossed the widest of oceans to wrest provinces from Spain—might not they, with all their talk of Manifest Destiny, go on to some more imperial conquest than Panama? Having the New World to protect under their Monroe doctrine, might they not choose to own it and command its trade? A strenuous President is in power at Washington; to what far regions might his ambitions not extend?

We may be sure that these apprehensions were felt by every Latin American when the full story of the Panama revolution went abroad. Here were the Yankees at last, come to their very doors. Foreign traders, uneasy over the prospects and anxious to ampler South America against North America for trading purposes, played as best they could and are still playing, upon the chords of prejudices and passion. Without a doubt the President of Colombia has been and is now appealing to all South America to enter into an offensive and defensive alliance. Some understanding, leading that way, was reached long ago when the Diaz Monroe doctrine was proposed—a South American pact against any and every interloper. The latent hostility of Chile to the United States may be counted on. Venezuela, owing to our claims against her and our failure to interfere when Europe pressed hers, does not love us. Ecuador, the other day, expressed official sympathy for Colombia. Is it not probable that the envoys of the latter power are at work in every South American capital to secure the enunciation of a policy forbidding any foreign state to acquire sovereignty over Latin-American soil and to frame a joint ultimatum to the United States? What more natural under all the circumstances? What else is there left to Colombia to do in her own defense save, single-handed and alone, to enter a disastrous war?

Assuming that matters are so shaping themselves in South America, we have a fair explanation of the latest naval news. A powerful squadron is ordered here to await a summons to join the fleet of Rear Admiral Gages at Panama, thus making a large enough naval force combined to threaten every Spanish-American port on the Pacific side. Two battleships, carrying another Admiral have gone to Colon and back of them, conveniently stationed in the West Indies, is the North Atlantic fleet to which they belong. At a word the whole of the South American coasts may be patrolled by the strongest fleet ever seen in those waters. There can then be no sea-transfer of troops to Colombia and a land-transfer is impossible.

Perhaps the simple concentration of ships will checkmate the Colombian diplomacy; perhaps the mere threat of it will, as it did when the orders to Rear Admiral Watson in 1898, to go to Spain brought back Camara's fleet from Sees and made Watson's voyage unnecessary. As to that the events of December will probably make clear. Meanwhile the immense strategic utility of Hawaii—one of the strong arguments for its annexation—will have been demonstrated.

LOCAL BREVITIES.

(From Sunday's Daily.)

Curtis Pihou Iaukea has been selected as president of the Home Rule executive committee.

Governor Carter has issued a Thanksgiving proclamation in harmony with that of President Roosevelt. It appears in the By Authority column.

Matsuoka, one of the indicted "Ten Dollar Club" men, was arrested yesterday. He is regarded as chief of the whole immoral and lawless combination.

Carl Walters is on his way to Honolulu in the Sonoma, having been appointed manager of Hutchinson plantation. He was formerly manager of Lihua plantation.

The Republican club of the tenth precinct of the Fifth District, at a meeting held in the Achi warshouses, endorsed the appointments of Governor, Carter and Judge Dole.

Santibene-Veloso, a Porto Rican, yesterday enlisted the aid of the police to recover his ten-year old daughter, who, he alleges, was stolen by a Porto Rican named Jadinio Perez. The latter is alleged to have enticed her to go with him while she was returning from school, and to have taken her to Wallis.

(From Sunday's Daily.)

The famous yacht "Hawaii" is to be sold at auction.

High Sheriff Brown has been notified of the suicide of a Chinese woman in Ewa district. Death was due to strychnine poisoning.

A meeting of democrats will be held this week to recommend to the Democratic National Committee the appointment of a committee man to succeed the late Col. W. H. Cornwell.

An incident not started in twilight last evening by some sailors, but after one was knocked down by his fellows, they thought better of the matter and departed in peace.

F. M. Bechtel of the United States Immigration Bureau, returned yesterday from a visit to Maui and Hawaii during which he investigated the condition of immigrants on those islands.

Deeds have been recorded of the transfer of various pieces of property of the Honolulu Investment Co. to the Fidelity Insurance Co. The latter corporation was organized and incorporated last month.

Suit for divorce has been filed by Hiram Kolomoku against Mrs. Kolomoku.

The Federal grand jury stands adjourned until Wednesday, to give its committee time for tabulating the House vouchers.

A. T. Atkinson, Superintendent of Public Instruction, is the only head of a Territorial department appointed on June 14, 1900, who has stayed put.

J. K. Burkett, normal instructor for Oahu and Kauai, left in the steamer Ke Au Hui yesterday evening to visit the schools of Kauai. Mr. Burkett was a teacher on that island for many years before taking the present office.

The public schools, when dismissed for Thanksgiving Day, will not open again until Monday. It has always been the custom here to give the children the Friday after Thanksgiving as an extra holiday.

FACTS ABOUT GEO. R. CARTER.

(Continued from page 1.)

When Mr. Carter left here in 1899, with the idea of never returning, Judge Dole was at the steamer and bidding him good-bye, made the remark: "George, my boy, some day you will be glad to come back to Hawaii." Referring to this incident after his nomination for Governor by President Roosevelt, Mr. Carter said: "I came back in October, 1899, just in time for the cholera. After being here a year I wondered why in the name of common sense I had stayed away so long as I had." On returning he at first went into the office of C. Brewer & Co., Ltd., as cashier and bookkeeper. As his father and F. C. Jones had been partners it was the ambition of the latter's son, Ed. A. Jones, and Carter to form a partnership and blend their fortunes as their fathers had done. They accordingly started the Hawaiian Safe Deposit Co. The untimely death of young Jones stopped that plan, but the company was finally merged into the Hawaiian Trust Co., Ltd.

Mr. Carter managed the corporation just named until February 22, 1902, Washington's birthday, when he took the office of Secretary of the Territory upon the appointment by President Roosevelt, confirmed by the U. S. Senate on January 29.

HIS RELATIONS WITH ROOSEVELT.

Some time before his acceptance of that office, Mr. Carter was more than surprised one day to receive a letter from President Roosevelt saying that he wanted Carter's assistance in reaching a conclusion as to what was best to be done for Hawaii. The President desired him to sit down and write to him fully as to the situation here. Mr. Carter concluded that such a request could only be responded to in person. Therefore he went to Washington. What the President wanted to know was whether Hawaii could be carried for the Republican party. Mr. Carter told him he thought it could, that the removal of Governor Dole would not affect the question and that he could see no grounds for his removal. He thought that the President's only course was to support Dole and to support him vigorously. The interview resulted in Governor Dole being called to Washington when the President declared he would support him to the end of his administration.

On Mr. Carter's return from Washington he was made treasurer of the Republican Territorial Committee and did what he could to bring about what the President had required so solidly. Wilcox was defeated by 1940 votes.

President Roosevelt nominated Geo. R. Carter as Governor of the Territory of Hawaii on October 21, 1903.

Distress After Eating

Nausea between meals, belching, vomiting, flatulence, fits of nervous headache, pain in the stomach, are all symptoms of dyspepsia, and the longer it is neglected the harder it is to cure it.

Hood's Sarsaparilla and Pills

Radically and permanently cure it—strengthen and tone the stomach and other digestive organs for the natural performance of their functions.

Accept no substitute for Hood's. "I had dyspepsia twenty-five years and took different medicines but got no benefit until I began taking Hood's Sarsaparilla. Have taken four bottles of this medicine and can now eat almost anything, sleep well, have no cramps in my stomach, no burning and no distress." Mrs. William H. Barrett, 14 Olney St., Providence, R. I. Hood's Sarsaparilla promises to cure and keeps the promise.

BUSINESS CARDS.

H. HACKFELD & CO., LTD.—General Commission Agents, Queen St., Honolulu, H. I.

F. A. SCHAEFER & CO.—Importers and Commission Merchants, Honolulu, Hawaiian Islands.

LEWIS & COOK—(Robert Lewis, Proprietor, C. M. Cook, Manager)—Importers and dealers in lumber and building materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.—Manufacturers of every description made to order.

HONOLULU STOCK EXCHANGE.

Honolulu, November 23, 1903.

NAME OF STOCK	Capital	Val	Bid	Ask
MERCANTILE				
G. Bennett & Co.	1,000,000	100		105
SUGAR				
Am. Sugar Refining Co.	5,000,000	25		31 1/4
Dom. Sugar Refining Co.	1,000,000	100		32 1/2
Dom. Sugar Co.	250,000	100		67 1/2
Dom. Sugar Co.	750,000		75 1/2	
Dom. Sugar Co.	5,000,000	20	12 1/2	
Dom. Sugar Co.	100,000			
Dom. Sugar Co.	500,000	2		
Dom. Sugar Co.	2,500,000	50	20	
Dom. Sugar Co.	100,000			15
Dom. Sugar Co.	500,000	100		
Dom. Sugar Co.	5,000,000	100		
Dom. Sugar Co.	1,000,000	20		4
Dom. Sugar Co.	5,000,000	20	30	
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Guess Again.
The papers of Honolulu are growing somewhat yellow, and probably will not cause, concerning the resignation of Treasurer Kepoikal. Without definite information on the subject the News predicts that when the prime arrives, the resignation of Treasurer Kepoikal will be promptly handed to Governor Carter.—Mari News.

NEWSPAPER ARCHIVE